

A message was received from the House informing the Senate that the House has acted upon the resolution of the Senate to appoint a joint committee to examine the Governor's mansion and report what repairs were necessary to be made, and the Speaker has appointed Messrs. Taylor, Cundiff and King as said joint committee.

The President laid before the Senate Senate bill No. 21, "An act to amend article 1107 of the Revised Statutes of the State of Texas, and to add thereto articles 1107a, 1107b, 1107c and 1107d, and to provide for the payment of fees to attached witnesses in cases of felony." Bill read second time.

Senator Matlock offered the following amendment: "Amend the caption of bill and section 1 by striking out the words 'Revised Statutes' and insert 'Code of Criminal Procedure.'" Adopted.

On motion of Senator Chesley, the bill was postponed and made special order after morning call Monday next.

The following message was received from his Excellency the Governor and laid before the Senate by the President:

EXECUTIVE OFFICE, }  
AUSTIN, January 16, 1883. }

To the Senate:

I respectfully request your assent to the following appointments:  
J. W. Bains, Secretary of State.  
James H. Burts, Assistant Attorney-General.  
Dr. A. N. Denton, Superintendent of the Lunatic Asylum.  
Dr. Frank Rainey, to be Superintendent of the Blind Asylum.  
John S. Ford, to be Superintendent of the Deaf and Dumb Asylum.

T. J. Goree, to be Superintendent of the Penitentiary.  
Ben E. McCulloch, Assistant Superintendent of the Huntsville Penitentiary.

D. M. Short, to be Assistant Superintendent of the Penitentiary at Rusk.

J. W. Daniel, to be Inspector of outside convict labor.  
Respectfully, JNO. IRELAND, Governor.

Senator Harris moved that the Senate go into executive session immediately after morning call to-morrow, to take action upon the appointments of the Governor made in the message just read. Adopted.

The President laid before the Senate, Senate bill No. 28, "An act to amend article 2863 of Revised Civil Statutes of the State of Texas."

A message was received from the House announcing the passage by that body of substitute House bill No. 4, "A bill to be entitled an act making an appropriation to defray the contingent expenses of the Eighteenth Legislature." Referred to Committee on Contingent Expenses.

Senator Davis moved to postpone pending Senate bill No. 28, and make it special order for Wednesday of next week, just after the morning call.

Senator Patton offered to amend by adding that "one hundred copies of the bill be ordered printed." Accepted, and motion as amended was adopted.

Senator Pfeuffer, chairman of Committee on Finance, by unanimous consent, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 16, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 88, entitled "A bill to be entitled an act making appropriation to defray the contingent expenses of the Eighteenth Legislature, convened January 9, 1883," have had the same under consideration and instruct me to return said bill to the Senate, with recommendation that the same be referred to the Committee on Contingent Expenses.  
PFEUFFER, Chairman.

Bill read first time and referred to Committee on Contingent Expenses.

The President laid before the Senate Senate bill No. 29, "An act to amend articles 503 and 504 of chapter 3 of the Penal Code."

Bill read second time, postponed, on motion of Senator Kleberg, till Wednesday next, and made special order immediately after the special order for that hour.

The President laid before the Senate Senate bill No. 30, "An act amend article 1000, chapter 1, title 13, Code of Criminal Procedure." Bill read second time and ordered engrossed.

The President laid before the Senate, Senate bill No. 33, "An act amending article 800, chapter 3, title 9 of the Code of Criminal Procedure." Bill read second time and ordered engrossed.

Senate bill No. 34, "An act amending article 240, title 8, chapter 6 of the Penal Code," was taken up in regular order and read second time.

Senator Martin offered the following amendment: Amend by striking out \$1000 and inserting \$100.

Senator Davis moved to amend the amendment of Senator Martin by substituting "not less than twenty-five nor more than one hundred dollars." Amendment accepted, and amendment as amended adopted, and bill ordered engrossed.

Senate bill No. 36, "An act to amend article 2863, chapter 4, title 50 of the Revised Civil Statutes," was taken up in regular order and read second time, with majority and minority reports.

Senator Pfeuffer moved to adopt the majority report.

Senator Davis moved to substitute the minority for the majority report.

Senator Davis moved to postpone and make it the special order for next Friday, just after morning call. Motion lost.

The President gave notice of the signing by him of House bill No. 74, "An act making an appropriation for the mileage and per diem pay of the members, and per diem pay of the officers and employees of the Eighteenth Legislature."

On motion of Senator Chesley, the Senate adjourned until to-morrow morning at 10 o'clock, by the following vote:

YEAS—15.

Chesley,  
Cooper,  
Davis,  
Evans,  
Farrar,

Fowler,  
Getzendaner,  
Gibbs,  
Jones,  
King,

Kleberg,  
Matlock,  
Randolph,  
Stratton,  
Traylor.

NAYS—14.

Buchanan,  
Collins,  
Fleming,  
Harris,  
Houston,

Johnson of Collin,  
Johnson of Shelby,  
Martin,  
Patton,  
Peacock,

Perry,  
Pfeuffer,  
Shannon,  
Terrell.

## NINTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, January 18, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Davis, the reading of the journal of yesterday was dispensed with.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 91, have considered the same, and instruct me to report it back, with the recommendation that it do pass.

Its object is to diminish the civil and criminal jurisdiction of the county court of Matagorda county, and to conform the jurisdiction of the district court to such change.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 73, have considered the same, and instruct me to report it back, with the recommendation that it do pass, with the following amendment, viz.: Amend by inserting the following caption to the bill: "A bill to be entitled an act to prescribe the terms on which lands bought in by the State for taxes may be restored to their former owners."

The bill proposes that 8 per cent shall be paid the State on the amount of each year's taxes; that said taxes shall be paid, also all costs, and five per cent commissions to the collector, within twelve months from the twentieth of April, 1883, under such rules and regulations as shall be prescribed by the Comptroller of the State.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 61, which has for its object a change of the civil and criminal jurisdiction of the county court of Parker county, have considered the same and instruct me to report the bill back with recommendation that it do pass, with accompanying amendments.

TERRELL, Chairman.

## COMMITTEE AMENDMENTS.

1. Add after the word "in" in section 5, the words "civil and."
2. Add to section 3 of the bill the words "and such other authority as is conferred upon county courts and the judges thereof, by the general laws of this State."

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 72, have instructed me to request that fifty copies of the same be printed. Its object is to afford greater protection to subcontractors, mechanics, and workmen.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 104, have considered the same and instruct me to report it back with the recommendation that it do not pass.

The object of the bill is to require a party who may demand a jury, in addition to depositing a jury fee, to execute bond, with security, conditioned that he will pay all the expenses incident to feeding and lodging the jury pending the trial, and upon the affidavit of the sheriff as to the amount of such expenses, to give to such bond the force of a judgment *pro tanto*, on which execution may issue.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1882.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 74, to be entitled "An act to amend articles 1299 and 1316 of the Revised Civil Statutes, and to repeal article 1300, have considered the same, and instruct me to report the bill back with the recommendation that it do not pass.

The object of the bill is to inaugurate a radical change in the practice, with reference to the time and manner of instructing juries as to the law. The committee do not believe that any existing evil calls for so radical a change.

TERRELL, Chairman.

## Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 75, to be entitled "An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State, may redeem the same, approved February 5, 1881," have considered the same, and instruct me to report that the object sought may be obtained by the passage of Senate bill No. 73. I am therefore instructed to recommend that the bill do not pass.

TERRELL, Chairman.

## Bill read first time.

Senator Davis submitted the following minority report on Senate bill No. 36:

COMMITTEE ROOM,  
AUSTIN, January 16, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned, members of your Judiciary Committee No. 1, respectfully dissent from the views of the majority of the committee in reporting adversely upon Senate bill No. 36.

The intention of this bill is to give the parties to divorce suits equal right to testify with parties to other civil suits.

We would not have attempted to give our reasons for our conclusions, but for the brilliant effort of our chairman in his report against this bill.

Nothing so much promotes virtue and contentment as happy homes, cheerful firesides and genial domestic relations—where husband and wife, united by the bonds of mutual love and affection, rather than those of law, strive to promote each others happiness.

Miserable indeed must have been the lot of estranged families in South Carolina, where, our chairman says, no divorces were permitted prior to 1867.

A trusting girl—as is sometimes the case—marries a brute, believing him to be a gentleman. Instead of affection and kindness, she receives abuse and injury at his hands. He heaps curses on her head; he drives her with blows and stripes from their home. Does reason and justice, or does any sound public policy say that this poor woman should be denied any relief from this unfortunate marriage and be forever barred from the right to form other family ties?

Sometimes wives commit offenses against the marital relations that no man of any self-respect could condone or forgive. Does that sound public policy demand that men so situated should, for the remainder of their days, live as social outcasts—wireless and homeless? The laws of South Carolina, which allowed no divorce for cause arising subsequent to the marriage were unjust, as well as absurd; and though her judges still wear robes, wigs and black caps, because their forefathers did, we are glad to know that even South Carolina has discarded her former laws, and is abreast of her sister States, in regard to the laws of divorce. It was doubtless the knowledge of the evil of her old laws that made our first chief justice—a native of her soil—such an earnest advocate and liberal expounder of the divorce laws of this State. England, to which our learned chairman refers, was once a priest-ridden land.

The law of marriage, divorce and alimony were received from papal Rome, and expounded and administered in ecclesiastical courts, presided over by priests under vows of celibacy, and who, of all men, were least likely to have rational views of what the conjugal relations were or should be. These bachelors of the church devised such proceedings as suits to specifically enforce marriage engagements, to restore conjugal rights, jactitation of marriage, divorces a mensa et thoro, and similar absurdities. In this way, in divorce, as well as other branches of jurisprudence, England got a bad start, and much should not be expected of her.

In England they once tried civil and criminal cases, not by law or testimony, but by wager of battle and the ordeal of water and fire.

Half the time of the courts was consumed in trying the women for witchcraft. The laws, such as they were, were written and expounded in a barbarous jargon unknown to the people.

A man who could write, and who should be presumed to best know the law, was exempt from all punishment by reason of something known as "benefit of clergy." At each step England has made toward reform and progress, there have been learned lawyers with minds warped by custom and prejudice to protest against all change, and cry out "Dangerous innovation." A few years ago in this State the fact that a citizen was on a cost bond, or the defendant's bail bond, debarred him from being a witness. When that law was sought to be changed many learned lawyers then, as now, protested against change and raised the cry of "Dangerous innovation" upon the customs that prevailed in England in the day of witchcraft.

We have examined the statutes of Georgia, Virginia, Alabama, Maryland, Arkansas, Iowa, Massachusetts, Maine, Mississippi, Michigan, Ohio and Wisconsin. While all of them now allow parties to civil suits to testify, but one of them (Maryland) makes divorce suits an exception.

The fact that divorces are hard to obtain does not tend to discourage improvident marriages. Marrying and giving in marriage even goes on extensively in countries where there are no divorce laws. Marriages are contracted by the young, the sanguine, the trustful, the thoughtless. It is in fact about the only binding contract that the law permits minors to enter into. The old are not more discreet

than the young in contracting marriages, for, of all fools, old fools are said to be the biggest.

It is urged by the majority, and aside from what England, South Carolina and New York have done, it is the chief point of their argument, that if the parties were allowed to testify, it would expose to the world the confidential communications between husband and wife. Confidential communications not being any cause for divorce, are irrelevant to the issue and there's not a great deal in the argument. The same may be said of confessions and admissions. It is further urged that if the parties were allowed to testify it would expose the domestic relations existing between husband and wife, which is quite likely, for they, above all others, know best what these relations are. The object of a divorce suit is to ascertain these relations and to know whether they are such as should be continued or not.

In regard to the facts at issue, the husband and wife are the best witnesses, because the best informed, and how long with our laws follow the unreasonable precedents inaugurated in England in the days of barbarism, and shut off the light and close the mouths of witnesses to the very facts in issue?

If the husband assaults and beats the wife, he is guilty of a penal offense, and has also done that which entitles the wife to a divorce.

In a prosecution for the assault, the wife is a competent witness, because that is necessary for her protection. In a proceeding for divorce on account of the same assault, is it not equally necessary that she be given the same right, that she may obtain justice? We should not seek to do as our ancestors did in all things. They had no railroads, telephones, telegraphs, printing presses or steamships, but that is no reason why we should not. Men once roamed the forest with no better protection from the wild beasts than a frazzled club twisted from a tree, because they had neither axe or hatchet. As late as the days of Henry the VIII., our English fathers had neither floors nor chimneys to their houses, but built their fires in the centre of the room and let the smoke escape as best it could. In the days of Alfred the Great, our Saxon ancestors did not know the use of the coarse or fine comb, and made but little use of soap and water. History relates that they could not live on terms of peace with the Danes because the Danes washed their faces, brushed their whiskers, and combed their heads, and by such arts outshone them in the presence of the ladies.

The majority of your committee, with all their reverence of ancient customs, would not advise the imitation of our Saxon ancestors in this regard. We, therefore, recommend its passage.

W. R. SHANNON,  
W. O. DAVIS,  
ASA E. STRATTON, JR.

Senator Stratton, chairman of Committee on Public Health, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 87, entitled "An act to regulate the practice of dentistry in the State of Texas," have examined the same, and instruct me to report the same back with the recommendation that it do pass.

STRATTON, Chairman.

Bill read first time.

Senator Cooper, chairman of Committee on Contingent Expenses, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Contingent Expenses, have duly considered substitute House bill No. 4, a bill to be entitled "An act making an appropriation to defray the contingent expenses of the Eighteenth Legislature," and instruct me to report it back with the recommendation that it do pass.

COOPER, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Contingent Expenses have duly considered Senate bill No. 64, a bill entitled "An act making an appropriation for mileage and per diem pay of members, and per diem pay of officers and employees of the regular session of the Eighteenth Legislature of the State of Texas," and instruct me to report it back with the recommendation that it do not pass, for the reason the objects of said bill have been accomplished by House bill No. 74, which passed the House and Senate on the sixteenth instant, in which all the provisions of the above bill were fully covered.

COOPER, Chairman.

Bill read first time.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 89, entitled "An act requiring an opening in every five miles of fencing," have had the same under consideration, and instruct me to report the same back, with the recommendation that it do not pass.

PERRY, Chairman.

Bill read first time.

Senator Evans, chairman of Committee on Public Printing, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 94, in relation to printing one thousand copies of the general laws passed by the Sixteenth Legislature, general and special sessions, and a like number of copies of the general laws, regular session of the Seventeenth Legislature, have had said bill under consideration, and a majority of said committee instruct me to report the same back with the recommendation that it do pass.

EVANS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Printing have had under consideration Senate resolution No. 2, in relation to the printing of 5000 copies of the Governor's message, 1000 of which are to be printed in German and a majority of said committee instruct me to report the same back with the recommendation that it do pass.

EVANS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate resolution No. 1, in relation to the printing of 100 copies of the acts of the extra session of the Sixteenth Legislature, have had said resolution under consideration, and a majority of said committee have instructed me to report the same back with a recommendation that it do not pass, for the reason that Senate bill No. 94, which has been recommended, fully provides for the publication of said law in connection with others.

EVANS, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills, to whom was referred Senate bills Nos. 10, 13, 17, 24 and 30, have examined the same, and instruct me to report that they find said bills correctly engrossed.

MARTIN, Chairman.

Senator Matlock, chairman of the Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred substitute House bill No. 6 and 18, "A bill entitled an act to withdraw the public lands of the State of Texas from sale," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate and recommend that it do pass, with the following amendment: Amend section 1 by striking out all of the section after the word "reserved," in line 27, and insert the following: "For the purpose for which said land was originally set apart and designated by said acts; provided, that nothing here contained shall suspend the operation of the General Land Office in the issuance of titles on surveys already made in accordance with law, or purchases of land already made in pursuance of law."

MATLOCK, Chairman.

Bill read first time.

Senator Buchanan, for Judiciary Committee No. 1, submitted the following report.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 96, entitled "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of restitution," have considered the same, and I am instructed to report the same back to the Senate, with the accompanying substitute, and to recommend that the substitute do pass.

The bill, and substitute therefor, have for their object the giving to orders of sale foreclosing liens upon real estate, in suits having for their object such foreclosure, the force and effect of writs of possession, thereby doing away with the necessity which now exists for the purchaser of land sold under such orders, to bring a suit of trespass to try title, before he can acquire possession of the property so purchased.

BUCHANAN, for Committee.

Bill read first time with committee substitute.

Senator Houston, President pro tem., introduced to the Senate, Hon. Marion Martin, Lieutenant-Governor of the State, who on taking the chair, made the following address:

Gentlemen of the Senate:

I enter upon the discharge of my duties of presiding officer of the Senate with a firm reliance, that as far as my conduct shall be governed and controlled by the Constitution of our State, and the rules adopted by the Senate, I shall receive your most cordial support. On no other conditions ought any support to be expected or desired.

Your experience in all deliberative assemblies no doubt has proven to you that the preservation of order must depend in a greater degree upon the members than upon any efforts of a presiding officer. I can only promise you that zeal and impartiality that is essential in the discharge of my duties. I shall endeavor to pursue that course which duty directs, and not shrink from the performance of any duty, however painful, nor shun responsibilities, however great, and on your part, gentlemen of the Senate, I confidently expect your kind and cordial co-operation and that support in maintaining the rules and orders of the Senate so necessary to the character and dignity of its deliberations, and the dispatch of business.

Senator Terrell presented a petition signed by citizens of Texas, asking a modification of the laws so as not to make the laws punishing the intermarrying of the races retroactive. Referred to Judiciary Committee No. 1.

Senator Johnston of Shelby introduced a bill entitled "An act to amend article 262, chapter 6 of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Kleberg introduced a "joint resolution amending article 5 of the Constitution of the State." Referred to Committee on Constitutional Amendments.

Senator Stratton introduced a bill entitled "An act to amend title 27, chapter 28 of Revised Civil Statutes, by adding thereto another article, to be numbered article 2184." Referred to Judiciary Committee No. 1.

Senator Cooper offered the following resolution:

WHEREAS, faithful, honest and efficient services should receive proper reward and recognition; and

WHEREAS, the Hon. O. M. Roberts, retiring Governor has made the people of Texas a faithful, honest and able Governor, and in his acts as a public servant, has exhibited those qualities of heart and mind that command the admiration of mankind, and has endeared him to the people of Texas; and

WHEREAS, we desire to make public expression of these, our views and feelings in an appropriate manner; therefore, be it

Resolved by the Senate of the Eighteenth Legislature of the State of Texas, That O. M. Roberts, retiring Governor of the State of Texas, has made a wise, faithful and honest public servant, and in his retirement carries with him our sincere appreciation of his exalted ability and worth as a man and officer, and our best wishes for his future prosperity, happiness and continued usefulness.

On motion of Senator Cooper the resolution was adopted by the following vote:

YEAS—25.

Buchanan,	Evans,	Harris,
Chesley,	Farrar,	Johnson of Collin,
Collins,	Fleming,	Johnson of Shelby,
Cooper,	Getzendaner,	King,
Davis,	Gibbs,	Kleberg,

Martin,  
Matlock,  
Patton,  
Peacock,

Perry,  
Pfeuffer,  
Randolph,  
Shannon,

Terrell,  
Traylor.

NAYS—none.

Absent, Messrs. Fowler, Gooch, Houston, Jones, Pope and Stratton.

Senator Chesley introduced a joint resolution granting leave of absence to H. C. Tompkins, county judge of Waller county. Referred to Judiciary Committee No. 1.

On motion of Senator Shannon the Senate went into executive session.

(In Senate.)

On motion of Senator Harris it was ordered that the Governor be informed that the Senate advises and consents to the appointments made by him in his message of yesterday.

On motion of Senator Johnston of Shelby, Senator Pope was excused indefinitely, beginning with yesterday, on account of sickness.

On motion of Senator Cooper, Senator Fowler was excused for the day.

The President laid before the Senate the following message from the Governor, which was read by the Secretary.

EXECUTIVE OFFICE,  
AUSTIN, TEXAS, January 18, 1883.

To the Senate:

I respectfully request your consent and approval to the following appointment: W. H. King to be Adjutant-General,

Respectfully,

JOHN IRELAND, Governor.

On motion of Senator Houston the Senate agreed to go into executive session to-morrow morning, immediately after the morning call, to consider the appointment made by the Governor in the message just read.

Senate bill No. 36, "An act to amend article 2863, chapter 4, title 50, of the Revised Civil Statutes," being the bill pending on adjournment yesterday, was taken up with majority and minority reports, the motion of Senator Davis to substitute the minority for the majority report pending.

On motion of Senator Cooper the further consideration of the bill was postponed to take up substitute House bill No. 4 "An act to make an appropriation for defraying the contingent expenses of the Eighteenth Legislature of the State of Texas."

Bill taken up, and on motion of Senator Cooper, rules were suspended to place bill on its second reading, by the following vote:

YEAS—26.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Johnson of Shelby,	Randolph,
Davis,	Jones,	Shannon,
Evans,	King,	Stratton,
Farrar,	Kleberg,	Terrell,
Fleming,	Martin,	Traylor,
Getzendaner,	Matlock,	

NAYS—none.

Bill read second time and passed to its third reading.

On motion of Senator Harris, rules were further suspended to put the bill on its third reading by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Matlock,
Chesley,	Harris,	Patton,
Collins,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Johnson of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor,

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan,	Houston,	Peacock,
Chesley,	Johnson of Collin,	Perry,
Collins,	Johnston of Shelby,	Pfeuffer,
Cooper,	Jones,	Pope,
Davis,	King,	Randolph,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Matlock,	Terrell.
Harris,	Patton,	

NAYS—none.

The consideration of Senate bill 36, was then resumed.

Senator Harris moved the previous question, on adoption of the minority report:

Motion seconded and main question ordered.

The Senate refused to adopt the minority report by the following vote:

YEAS—7.

Davis,	Matlock,	Shannon,
Evans,	Randolph,	Stratton.
Gibbs,		

NAYS—21.

Buchanan,	Harris,	Martin,
Chesley,	Houston,	Patton,
Collins,	Johnson of Collin,	Peacock,
Cooper,	Johnston of Shelby,	Perry,
Farrar,	Jones,	Pfeuffer,
Fleming,	King,	Terrell,
Getzendaner,	Kleberg,	Traylor.

On motion of Senator Harris, the majority report was adopted, which kills the bill.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following privileged report:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bills Nos. 22, 23, and 34, and instruct me to report that they find said bills correctly engrossed.

MARTIN, Chairman.

The President laid before the Senate Senate joint resolution 15, "Joint resolution to amend section 9, article 8 of the Constitution of the State of Texas," with committee amendment. Committee amendment adopted.

Resolution ordered engrossed.

Senator Davis moved to reconsider the vote ordering resolution engrossed. Adopted.

Senator Davis offered the following amendment: Amend by striking out "50" and inserting "40."

Pending the amendment, Senator Peacock moved to postpone further consideration of the resolution, and that 100 copies, with amendments, be ordered printed. Adopted.

On motion of Senator Martin, the consideration of Senate joint resolution 15 was postponed and made special order for Saturday, immediately after roll call.

Senator Terrell, by permission, introduced a bill to be entitled "An act to amend title 11, chapter 3 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Referred to Judiciary Committee No. 1.

The President laid before the Senate Senate bill No. 38, an act entitled "An act to diminish the jurisdiction of the county courts of certain counties, and to conform the jurisdiction of the district courts of such change." Bill read second time and ordered engrossed.

The President laid before the Senate Senate bill No. 41, "An act to amend articles 314 and 315, Penal Code." Bill read second time and ordered engrossed.

Senate bill No. 41, "An act entitled 'an act to provide for the payment of fees to county judges, justices of the

peace, sheriffs, constables, district and county attorneys, for services rendered in examining courts in felony cases," was taken up in regular order. Bill read second time and ordered engrossed.

On motion of Senator Kleberg, the Senate adjourned till ten o'clock a. m. to-morrow.

## TENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 19, 1883.

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with.

On motion of Senator Jones, the Secretary, William N. Ramey, was further excused for yesterday and to-day, on account of sickness in his family.

On motion of Senator Matlock, Senator Cooper was excused for to-day, on account of important business.

On motion of Senator Houston, Senator Johnston of Shelby was excused indefinitely, on account of sickness in his family.

Senator Matlock, chairman of Committee on Public Lands, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 90, a bill to be entitled "An act to repeal the law granting land certificates to veterans," have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass, for the reason that there are now more land certificates issued by the State which are unlocated than there is public lands to locate them upon.

MATLOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 18, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 66, entitled "An act confirming patents and surveys, by virtue of headright and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 17, 1876," have had the same under consideration and instruct me to report the same favorably and recommend it do pass, for the reason that the Constitution of 1869 contained a provision, section 6, article 10, prohibiting the granting of land except to actual settlers, in quantities not to exceed 160 acres. We find under this Constitution, from March 31, 1870, till the seventeenth day of April, 1876, when it was superseded by the present Constitution, which contains no such inhibition. The Legislature that assembled under the Constitution of 1869, believed that the constitution applied to future grants and did not apply to the soldiers and first settlers of Texas, who earned, by service in the army or by early settlement, grants for certain quantities of land, but who, from neglect or otherwise, had failed to apply for their certificates, which were but the evidence of their grants, while boards of land commissioners, county courts, and adjutant-generals were authorized to issue land certificates.

With these views of the Constitution the Legislature passed a number of special acts directing the Commissioner of the Land Office to issue land certificates to certain persons by name, the grantees having appeared before the Legislature and found that they had earned that amount of land, by military service or by settlement under existing laws, but had never obtained the lands to which they were entitled.

Those certificates were believed by the people to be good, and readily sold for a fair price, and have long since been located and patents have issued thereon, and the titles of many citizens to their homes were acquired in this way. The Supreme Court, at Tyler, a few weeks since, in the case of Bacon vs. Russell, from Denton county, in effect held that all such titles are void, on account of the above provision of the Constitution of 1869, in force at the time when such certificates were issued. Unless some relief is granted, many will lose their homes and others will lose lands for which they have paid the full value, relying upon the acts of the Legislature.